

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Allen-Murphy v. Murphy

Allen-Murphy · No. 25-CV-3330 · Decided December 15, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania dismissed Eunice Allen-Murphy’s Second Amended Complaint against her former husband. The court held that the due process claim remained barred because the defendant was not a state actor and dismissed the purported breach-of-contract claim with prejudice for failure to plead the essential terms, breach, and resulting damages.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Mia Roberts Perez
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	December 15, 2025
DOCKET	25-CV-3330
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff proceeding pro se and in forma pauperis filed a Second Amended Complaint asserting a Fourteenth Amendment due process claim and a Pennsylvania breach-of-contract claim. The district court screened the complaint under 28 U.S.C. § 1915(e)(2)(B) and dismissed it with prejudice.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B)(ii), the court applies the Rule 12(b) (6) standard and determines whether the complaint contains sufficient factual matter, accepted as true, to state a plausible claim. The court accepts factual allegations as true, draws reasonable inferences for the plaintiff, construes a pro se complaint liberally, disregards conclusory allegations, and may dismiss on an apparent statute-of-limitations defense or for lack of subject matter jurisdiction.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court memorandum; precedential status unknown.

TOPICS

motions to dismiss

breach of contract

subject matter jurisdiction

civil procedure

due process

PRACTICE AREAS

Civil procedure

Contracts

Civil rights

Federal jurisdiction

Remedies

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint stated a viable Fourteenth Amendment due process claim under 42 U.S.C. § 1983 against a private former spouse.
2. Whether the Second Amended Complaint plausibly pleaded a Pennsylvania breach-of-contract claim.
3. Whether the court had subject matter jurisdiction over the state-law claim through diversity jurisdiction.
4. Whether dismissal with prejudice was appropriate because further amendment would be futile.

HOLDINGS

1. The due process claim remains dismissed with prejudice because the defendant is not a state actor and therefore is not liable under § 1983 for the alleged constitutional violations.
2. The complaint failed to state a breach-of-contract claim because it did not plead the existence and essential terms of a contract, a breached contractual duty, or resultant damages with sufficient factual detail.
3. For screening purposes, the court had diversity jurisdiction because plaintiff alleged New Jersey citizenship, defendant's Pennsylvania citizenship, and an amount in controversy exceeding \$75,000.
4. Dismissal with prejudice was appropriate because plaintiff had already received multiple opportunities to amend and further amendment would be futile.

KEY QUOTATIONS

“Strikingly, this is Allen-Murphy’s fourth attempt at stating a breach of contract claim, yet she still has not communicated any essential terms of a purported contract that allegedly existed between the parties and how those terms were violated.” (Discussion § III.B)

“Because Allen-Murphy was already given an opportunity to amend the defects in her claims and was unable to do so, the Court concludes that further attempts to amend would be futile.” (Conclusion § IV)

FACTUAL BACKGROUND

Plaintiff alleged that she and defendant, her former husband, organized and funded business ventures including a plumbing business and a water-ice-truck business. She claimed defendant failed to provide financial support or assistance concerning real property and asserted that the events occurred between January 20, 2013, and August 2022. Plaintiff alleged that she was a New Jersey citizen, defendant was a Pennsylvania citizen, and sought declaratory relief and \$1 million in compensatory and punitive damages, but did not identify the essential terms of any contract or how defendant breached a contractual duty.

PROCEDURAL HISTORY

Plaintiff filed the action in June 2025 against her former husband and later filed an Amended Complaint. The court previously dismissed the constitutional claim with prejudice, dismissed the state-law claim for lack of subject matter jurisdiction with leave to amend, and granted a final opportunity to amend. After plaintiff filed the Second Amended Complaint, the court concluded that the due process claim remained barred, that the contract allegations were conclusory and failed to plead the required elements, and that further amendment would be futile.

DISPOSITION

dismissed

CASES CITED

- Allen-Murphy v. Murphy, No. 25-3330, 2025 WL 2779335 (E.D. Pa. Sept. 29, 2025)
- Buck v. Hampton Twp. Sch. Dist., 452 F.3d 256, 260 (3d Cir. 2006)
- Corliss v. O'Brien, 200 F. App'x 80, 84 (3d Cir. 2006) (per curiam)
- Taggart v. Saltz, No. 20-3574, 2021 WL 1191628, at *2 (3d Cir. Mar. 30, 2021) (per curiam)
- Tourscher v. McCullough, 184 F.3d 236, 240 (3d Cir. 1999)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Shorter v. United States, 12 F.4th 366, 374 (3d Cir. 2021)
- Fisher v. Hollingsworth, 115 F.4th 197 (3d Cir. 2024)
- Vogt v. Wetzel, 8 F.4th 182, 185 (3d Cir. 2021)
- Wisniewski v. Fisher, 857 F.3d 152, 157 (3d Cir. 2017)
- Whitenight v. Commonwealth of Pa. State Police, 674 F. App'x 142, 144 (3d Cir. 2017) (per curiam)
- Lincoln Ben. Life Co. v. AEI Life, LLC, 800 F.3d 99, 104-105 (3d Cir. 2015)
- Leshko v. Servis, 423 F.3d 337, 339 (3d Cir. 2005)
- Fabics v. City of New Brunswick, 629 F. App'x 196, 198-99 (3d Cir. 2015) (per curiam)
- Banks v. County of Allegheny, 568 F. Supp. 2d 579, 589-90 (W.D. Pa. 2008)
- Moravian Associations, LP v. Henderson Corp., No. 06-2165, 2007 WL 9812724, at *1 n.1 (E.D. Pa. June 14, 2007)
- Key Consolidated 2000, Inc. v. Troost, 432 F. Supp. 2d 484, 486 (M.D. Pa. 2006)
- Dardovitch v. Haltzman, 190 F.3d 125, 135 (3d Cir. 1999)
- Jones v. Unknown D.O.C. Bus Driver & Transp. Crew, 944 F.3d 478, 483 (3d Cir. 2019)